

Rec'd PTO

06 JUL 2005

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Attorney Docket No. K21568USWO

Declaration and Power of Attorney for Patent Application

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name,

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled

PROCESS FOR THE PREPARATION OF α -TOCOPHERYL-ACETATE

the specification of which

(check one)

☐

is attached hereto

☒

was filed on 22.12.2003 as

Application Serial No. PCT/EP2003/014723

and was amended on _____
(if applicable)

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulation, § 1.56(a).

I hereby claim foreign priority benefits under Title 35, United States Code, § 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s)

Priority Claimed

<u>03000493.1</u>	<u>Europe</u>	<u>13 January 2003</u>
<u>03024288.7</u>	<u>Europe</u>	<u>23 October 2003</u>
(Number)	(Country)	(Day/Month/Year Filed)

<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>
Yes	No

I hereby claim the benefit under Title 35, United States Code, § 119(e) of any United States provisional application(s) listed below:

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

PCT/EP2003/014723

(Application Serial No.)

22 December 2003

(Filing Date)

pending

(Status)

(patented, pending, abandoned)

(Application Serial No.)

(Filing Date)

(Status)

(patented, pending, abandoned)

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

POWER OF ATTORNEY: As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith. *(list name and registration number)*

Customer Number 23117

SEND CORRESPONDENCE TO: Customer Number 23117

DIRECT TELEPHONE CALLS TO: (name and telephone number) Customer Number 23117

Full name of sole or first inventor

Werner BONRATH

Inventors signature

Residence

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Citizenship

GERMANY

Post Office Address

May 20, 2005
Date

Full name of second joint inventor, if any

Claus DITTEL

Inventors signature

Residence

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Citizenship

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Post Office Address

June 04, 2005
Date

3-w Full name of third joint inventor, if any

Lisa GIRAUDI

Inventors signature

[Signature]

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Date

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Citizenship

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4-w Full name of fourth joint inventor, if any

Thomas NETSCHER

Inventors signature

[Signature]

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5-w Full name of fifth joint inventor, if any

Thomas PABST

Inventors signature

[Signature]

June 10, 2005

Date

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Citizenship

GERMANY

Post Office Address

Full name of sixth joint inventor, if any

Inventors signature

Date

Residence

Citizenship

Post Office Address

(Supply similar information and signature for subsequent joint inventors)

Title 37, Code of Federal Regulations, § 1.56, duty to disclose information material to patentability (in part) provides, in part, that each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to

patentability as defined in this section. The Duty to disclose information exists with respect to each pending claim until the claim is cancelled or withdrawn from consideration, or the application becomes abandoned.

Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and

- (1) It establishes, by itself or in combination with other information, a prima facie of unpatentability of a claim; or
- (2) It refutes, or is inconsistent with, a position the applicant takes in:
 - (i) Opposing an argument of unpatentability relied on by the Office, or
 - (ii) Asserting an argument of patentability.